

MINUTES

PROPERTY AND RIGHT-OF-WAY COMMITTEE MEETING THURSDAY MARCH 17, 2005, 10:00 A.M. CITY HALL 8TH FLOOR – COMMISSION CONFERENCE ROOM

Members Present:

Peter R. Partington, City Engineer
Bob Dunckel, Assistant City Attorney
Tony Irvine, City Surveyor
Jimmy Koeth, Principal Planner
Greg Thornburgh, PBS & Collections Manager
MaryAnn Slough, Recreation Program Coordinator, substituting for Kathy Connor
Tom Terrell, Maintenance Manager

Staff Present:

Victor Volpi, Senior Real Estate Officer
Maureen Barnes, Administrative Assistant I
Eileen Furedi, Clerk II
Rafeela Persaud, Word Processing Secretary

Guests Present:

Brett Nein
Freddie Brady
Peter Burke
Bruce Francis
Pete Witschen
Robert Lochrie

Peter Partington called the meeting at 10:08 A.M. and stated that this is a Committee with the responsibility of advising the City Manager on matters affecting City property.

ITEM ONE: APPROVAL OF FEBRUARY 17, 2005 MINUTES

**MOTION BY BOB DUNCKEL TO APPROVE THE MINUTES. SECONDED BY TOM TERRELL.
MOTION PASSED UNANIMOUSLY.**

ITEM THREE: **VACATION OF EASEMENT, 623 S.W. 12TH AVENUE**

Address or General Location: 623 SW 12 Avenue

Victor Volpi introduced item stating that Bentley at Riverside Park LLC would like a positive recommendation to vacate a portion of a 40-foot easement that once was S.W. 7th Street, west of S.W. 12th Avenue, approximately 130 feet. He stated that the applicant intends to relocate all utilities to the southern portion (20 feet) off the vacated road at no cost to the City. Victor Volpi introduced Pete Witschen, Agent for Developer.

Mr. Witschen stated that the street vacation was done in the late 1980's as part of the security issues in Riverside Park due to neighborhood crime issues. Mr. Witschen stated that there was a 40-foot utility easement and one existing inactive 16-inch water line. Mr. Witschen stated that this project had received approval from DRC and P&Z as a cluster home project, with high-level neighborhood participation. Mr. Witschen stated that there needed to be a vacation of the 20-foot easement on the south side of the property and they are requesting a vacation of the easement so that the project could move forward. Mr. Witschen stated that they have a letter from the property owner of the adjoining 20-foot easement which stated that he was fine with the water line moving into the 20-foot easement. Mr. Witschen said that Tim Ashmore, WaterWorks 2011 has looked at the designs of the waterline relocation and gave his approval. Mr. Witschen said this project would be a nice redevelopment project in Riverside Park, constructs high-end town homes in the area, and has received the unanimous support of the Board of Directors of the Riverside Park Neighborhood Association.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL. SECONDED BY TOM TERRELL.

Tony Irvine said there were concerns about the age of the pipe which might never be abandoned.

Discussion followed regarding the old pipe, river crossing, the sequencing of the approvals without detecting the 40-foot easement which was an oversight, relocation of the pipe 5-feet on the north side of the easement, and vacation of the northern 15 feet.

MOTION AMENDED BY BOB DUNCKEL TO RECOMMEND APPROVAL OF THE VACATION OF THE NORTH 16 FEET OF THE UTILITY EASEMENT. SECONDED BY GREG THORNBURG.

Bob Dunckel stated that the relocation of the utility easement would be subject to the engineering approval of all plans, specs, and contractors.

MOTION PASSED UNANIMOUSLY.

ITEM FOUR: **CLOSING OF STREETS/RIGHT-OF-WAY DEDICATIONS/RIGHT-OF-WAY EASEMENTS AND AERIAL RIGHTS, N.E. 11TH AND 12TH AVENUES**

Address or General Location: NE 11 Avenue and NE 12 Avenue, from Sunrise Boulevard to NE 11 Street

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Victor Volpi introduced item stating that Sunrise Investors LLC would like a positive recommendation to close (permanently) N.E. 11th and 12th Avenues. He said that this would include dedications of right-of-way and right-of-way easements as shown on Exhibit C. He stated that they would also like your recommendation to allow them to construct a pedestrian overpass to connect their buildings. He said that the minutes of November 18, 2004, the PROW Committee had voted to close the streets via vacation and turnaround and now they would like to revamp that approval. Victor Volpi introduced Robert Lochrie.

Mr. Lochrie stated that N.E. 11th and N.E. 12th Avenues were permanently closed by City Commission several years ago. Mr. Lochrie said that since that time, his clients had purchased some properties and came in with a proposal to modify N.E. 12th Avenue by moving the street closure further to the north and vacating N.E. 11th Avenue. Mr. Lochrie said that there was a concern that the Planning Review staff would like to see a continuation of the streets in these locations. Mr. Lochrie said that the project was redesigned to leave the rights-of-way in place, move the street closures of N.E. 11th and 12th Avenues to the north, institute roundabouts, additional dedications along Sunrise Boulevard and streets, and to request a license agreement for the maintenance of the areas. Mr. Lochrie said that they are also asking for pedestrian overpass bridges from the parking garage to the units on either side of the street. Mr. Lochrie said that they did not need to vacate N.E. 11th Avenue, would move the closure to the north, and put in a pedestrian overpass. Mr. Lochrie stated that the two streets would remain as public-right-of-way, there would be additional dedication as required, and there would be parking along the right-of-way with a turnaround.

Bob Dunckel asked if a vacation to Sunrise Boulevard would be more beneficial, and why are the applicants abandoning the vacation process. Jimmy Koeth stated that they would like to maintain the grid pattern for pedestrians and/or vehicles in the future and takes trips off the street. He stated that he could not support a permanent closure according to department policy.

Discussion followed as to temporary and permanent closures.

Mr. Lochrie stated that the closures would only be to vehicular traffic.

Bob Dunckel asked about the back out parking issues. Jimmy Koeth stated that for this area, it would be based on the volume of the street. Peter Partington said he did not have a problem with the back out parking. Jimmy Koeth said it would go to DRC on Tuesday.

Bob Dunckel said that for the pedestrian overpass, a revocable license would be issued as opposed to an aerial easement.

Peter Partington left at 10:35. Tony Irvine, City Surveyor took over as Chairman.

Greg Thornburg asked about the pedestrian walkway on street closure being moved to the north. Mr. Nein said that it would be sidewalks and pavers for the entire right-of-way.

Jimmy Koeth said that his department does not support permanent road closures. Bob Dunckel explained a permanent closure. Bob Dunckel asked who would be approving the nature of the improvements within the closures. Mr. Lochrie said that it would be DRC and Engineering. Mr. Nein said that the property would be replatted, with additional dedication to each side of the right-of-way which would be 50 feet instead of 40-feet. Bob Dunckel said that the purpose of easement deed was to help with the setbacks.

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Bob Dunckel said that there has been a change in philosophy and someone involved in the new policy needs to explain that new direction to the Property and Right-of-Way Committee.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL. SECONDED BY MARYANN SLOUGH.

MOTION PASSED UNANIMOUSLY.

ITEM FIVE: VACATION OF ALLEY, S.W. 30TH STREET AND S.W. 15TH AVENUE

Address or General Location: 1503 SW 29 Court

Victor Volpi introduced item stating that Hammocks at Edgewood Developers Inc., would like a positive recommendation to vacate the 15-foot alleys (approximately 169 feet) north of S.W. 30th Street at S.W. 15th Avenue and a 10 foot alley from the 15 foot alley to SW 15 Avenue as shown on Exhibit E. He stated that all utilities would be relocated at the developer's expense and the property is to be used for the development of townhouse units. He stated that the 6-foot platted utility easement shown on the survey that crosses the proposed vacation will remain and the developer intends to dedicate any easement Southern Bell may need to allow the existing switch box to remain. Victor Volpi introduced Robert Lochrie.

Mr. Lochrie said that 15th Avenue south of SR 84, currently a trailer park, is being platted and rezoned to a new zoning category and a DRC application has been filed for a townhome project. Mr. Lochrie said that the neighborhood was in support of the project. Mr. Lochrie said that there is a small remnant alley with no utilities with the exception of an FPL switching station. Mr. Lochrie said that they want to vacate the alley in order to develop the entire site and as part of the platting process, are required to dedicate easements which would be moved to the property line and that the alley did not serve any purpose.

Tony Irvine questioned if there was any communication with WaterWorks 2011 about their need for an easement. Robert Lochrie stated that they had not identified any improvements they would be making to the alley and could meet with WaterWorks 2011 to see if they need anything.

MOTION BY TOM TERRELL TO RECOMMEND APPROVAL AS REQUESTED, CONTINGENT UPON A RECEIVING A MEMO FROM PAUL BOHLANDER THAT THIS PROJECT WOULD NOT CONFLICT WITH WATERWORKS 2011 PLANS. SECONDED BY BOB DUNCKLE.

Yeas: Bob Dunckel, Greg Thornburg, Tom Terrell, MaryAnn Slough, Tony Irvine

Nay: Jimmy Koeth

MOTION PASSED.

Jimmy Koeth explained that it was his department's policy to maintain the alleys, and rights-of-way. Bob Dunckel said in the beginning, it was the PROW Committee's journey to get rid of alleys that were not in use, but because of a loss in manpower that journey has been interrupted. He stated that there was no viable philosophy in retaining alleys that are not needed.

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Victor Volpi stated that everyone on the PROW Committee represents their department and should make sure that the department's policies are followed. He said that the PROW Committee needs direction from the City Manager's office in regards to street closings, arm gates, etc. Bob Dunckel said that the PROW Committee advises the City Manager and City Commission and it would be helpful if the Committee knew the philosophies of the City Manager/City Commission.

Jimmy Koeth left the meeting at 10:55 A.M.

ITEM SIX: STAGING PERMIT, S.W. 9TH AVENUE AND DAVIE BOULEVARD

Address or General Location: 2825 and 2833 Davie Boulevard, 1236 SW 28 Terrace and 1004 W Broward Boulevard

Victor Volpi introduced item stating that as per Ordinance #C-02-13, the Property and Right-of-Way Committee is to review all applications for staging permit within the City of Fort Lauderdale in connection with public construction projects. He stated that Barbara Howell of WaterWorks 2011 would like a positive recommendation to approve two staging areas at S.W. 9th Avenue and Davie Boulevard. Victor Volpi introduced Barbara Howell, WaterWorks 2011.

Barbara Howell stated that there are two staging areas; the first site is for Ric-Man located at 1004 Broward Boulevard which is already fenced and they have been directed as to where to store the equipment. She stated that the second staging area was on Davie Boulevard which was not yet fenced, was in the permitting stage, and Danella was the contractor.

Bob Dunckel stated that a narrative was needed to DRC as far as the sketch of the proposed site signage, time required for the completion of the project, type of storage materials, limitation of working hours, composition of the surface areas, and dust control.

Tony Irvine suggested for future use, the ordinance should be used as a guideline for composing the narrative, indexing the item described in the narrative.

Bob Dunckel questioned the entry gate on Dave Boulevard and suggested the entrance of 28th Terrace be moved further away from Davie. Tony Irvine suggested that the entry gates be addressed in the narrative to DRC.

Tom Terrell said that the fence at the S.W. 9th Avenue location did not meet the current code requirements which should be vinyl coated. Bob Dunckel said that DRC would address those issues.

MOTION BY BOB DUNCKEL TO RECOMMEND APPROVAL FOR BOTH LOCATIONS, SUBJECT TO FILLING IN THE NARRATIVE FOR DRC. SECONDED BY GREG THORNBURG.

MOTION PASSED UNANIMOUSLY.

ITEM TWO: SURPLUS OF PROPERTY, N.E. 22ND AVENUE

Address or General Location: (three properties) 1729 NE 22 Avenue, 2200 NE 16 Court, and the parcel north of 2200 NE 16 Court (address unknown)

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Victor Volpi introduced item stating that the City of Fort Lauderdale owns three (3) parcels of vacant land along N.E. 22nd Avenue between N.E. 22nd Terrace and N.E. 16th Street. He stated that these parcels were discussed at the November 18th, 2004 Property and Right-of-Way meeting and at that time, Mr. Brandon (the property owner who is requesting that these parcels be sold) was directed to work with the Parks and Recreation Department and the Attorney's office to find out the best way to proceed. He said that it was determined from those conversations that Mr. Brandon would return to Property and Right-of-Way to get a positive recommendation to surplus these properties so he may acquire these properties to take care of for the good of his community.

There was no representative for this item.

Bob Dunckel said he had spoken to Kathy Connor regarding this item. He stated that he had envisioned an approved landscape plan that would be made a condition to surplus the property. He suggested that the applicant prepare a landscape plan for Dave Gennaro's approval with some sort of irrigation system. He said that he would like to see a trust document which would structure the surplus of the properties, and anticipated that there would be a form of reversionary clause. He said that being the applicant intended to maintain the surplus properties, there should be dialogue with the homeowners association and City officials and uniformity of the landscaping along the strip. Bob Dunckel said that Kathy Connor agreed.

Discussion followed as to the getting the homeowners association involved, having a City approved landscape plan, maintenance, revocable license, getting NCIP involved, and a catch basin being in the area.

Meeting adjourned at 11:23 a.m.